

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

JUDGE JONES

for the

Southern District of New York

KAPLAN, INC. and DF Institute, Inc. d/b/a KAPLAN  
SCHWESER

*Plaintiff*

v.

[Added Rider]

*Defendant*

) 12 CV  
)  
) Civil Action No.  
)  
)  
)

3565

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Frank Stalla  
5211 PUTNEY  
BALTIMORE, MD 21212-3501

A lawsuit has been filed against you.

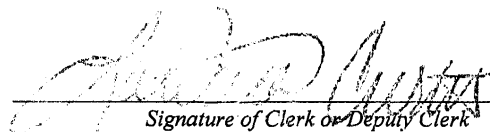
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Michelle Mancino Marsh  
Aaron D. Johnson  
Mimi K. Rupp  
KENYON & KENYON LLP  
One Broadway  
New York, NY 10004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

RUBY J. KRAJICK

CLERK OF COURT

  
Signature of Clerk or Deputy Clerk

Date: MAY 04 2012

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) Frank Stalla  
 was received by me on (date) 5/13/2012.

☒ I personally served the summons on the individual at (place) 5211 Putney Way  
Baltimore, MD 21212 on (date) 5/13/2012; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
 \_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 5-14-12

Notarized by: Sharon E. O'Brien  
 Sharon E. O'Brien

[Signature]  
 Server's signature

Andrew S. Reynolds  
 Printed name and title

expires: 12-15-14

Notary Public  
 Harford County, MD

10 Airway Circle, Apt. 3A, Towson, MD 21286  
 Server's address

Additional information regarding attempted service, etc: Mr. Stalla's physical description is as follows: White, Male, 35 - 40 years of age, 5'10", 175lbs., Short Black Hair, No Glasses.

I came to the location at 5211 Putney Way, Baltimore, MD 21212 on 5/13/2012 at 1:00pm. I knocked on the door and Mr. Stalla came to the door and identified himself. I told him that I had some legal documents for him and he accepted without incident.

Attachment A:

Documents Served:

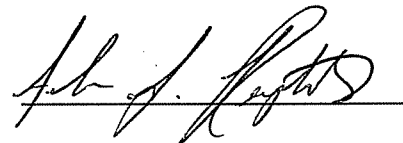
Plaintiffs' Rule 7.1 Statement, Summons - Mr. Frank Stalla, Kaplan v. Olinto - Civil Cover Sheet,  
Complaint - Exhibits (REDACTED,) Complaint (REDACTED,) Kaplan v. Olinto - Declaration of Mimi K. Rupp  
- Exhibits A and B, Kaplan v. Olinto - Proposed Order to Show Cause, Kaplan v. Olinto - Order to Show  
Cause for PI, Kaplan v. Olinto - Individual Practices of Judge Barbara S. Jones, Kaplan v. Olinto - Individual  
Practices of Mag. Judge Gorenstein, Kaplan v. Olinto - SDNY ECF Rules and Instructions, Kaplan v. Olinto -  
Motion to Seal, Kaplan v. Olinto - Proposed Order to Seal, Kaplan v. Olinto - Motion to Seal re TRO,  
Kaplan v. Olinto - Proposed Order to Seal, Kaplan v. Olinto - TRO Memo of Law, Kaplan v. Olinto -  
Declaration of Andrew C. Temte (REDACTED,) Kaplan v. Olinto - Declaration of Andrew C. Temte -  
Exhibits B-L, Kaplan v. Olinto - Declaration of Mimi K. Rupp.

I declare under penalty of perjury that this information is true.

Date: 5-14-12

Notarized By: Sharon E. O'Brien  
Sharon E O'Brien  
expires: 12-15-14

Sharon E. O'Brien  
Notary Public  
Harford County, MD

  
Server Signature

Andrew S. Reynolds  
Printed Name & Title

10 Airway Circle, Apt. 3A, Towson, MD 21286  
Server's address

Added Rider for Summons

The complete caption for this action is:

KAPLAN, INC. and DF INSTITUTE, INC.  
d/b/a/ KAPLAN SCHWESER,

Plaintiffs,

v.

OLINTO, LLC; PETER OLINTO; FRANK  
STALLA; POFS, LLC d/b/a OLINTO REVIEW;  
and CHARTER CONTENT SOLUTIONS, LLC,

Defendants.